

Message Text

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ACTION L-03

INFO OCT-01 ARA-14 ISO-00 AID-05 DHA-02 USIE-00 INRE-00
NSCE-00 CIAE-00 DODE-00 PM-05 H-02 INR-07 NSAE-00
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TO SECSTATE WASHDC 5186

UNCLAS RIO DE JANEIRO 3755

DEPT PASS AID/ARA FROM RUBIN

E. O. 11652: N/A
TAGS: PORG, BR
SUBJ: INTER-AMERICAN JURIDICAL COMMITTEE

REF.: STATE 178313; RIO DE JANEIRO 3637

1. RESOLUTION ON TOPIC ROLE OF LAW IN SOCIAL CHANGE ADOPTED
UNANIMOUSLY BY JURIDICAL COMMITTEE AUGUST 3, WITH ABSTENTION
BY GOMEZ ROBLEDO (MEXICO), WHO FROM START HAS ARGUED TOPIC
NOT WITHIN COMPETENCE JURIDICAL COMMITTEE. RESOLUTION BEING
SENT SEPARATELY. OPERATIVE PARAGRAPHS READ, AFTER RECITAL OF
WORK OF PANELS ORGANIZED BY AMERICAN SOCIETY OF INTERNATIONAL
LAW, MEETINGS OF EXPERTS, ETC., AS FOLLOWS; (THE COMMITTEE)
RESOLVES:

A. TO MAINTAIN THE ITEM ON ITS AGENDA AND TO REQUEST THE
RAPPOTEUR TO GIVE A FURTHER PROGRESS REPORT AT THE JAN-FEB 1978
SESSION OF COMMITTEE;

B. TO COMMEND THE CONTRIBUTION WHICH HAS BEEN MADE BY MANY
DISTINGUISHED JURISTS OF THE AMERICAN REPUBLICS, BY THE
INTER-AMERICAN FOUNDATION AND BY THE AGENCY FOR INTERNATIONAL
DEVELOPMENT;
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C. TO WELCOME AND TO ENDORSE THE ESTABLISHMENT OF COOPERATION
AMONG LAWYERS, LEGAL AND EDUCATIONAL INSTITUTIONS, AND
OTHER ORGANIZATIONS WITHIN THE FIELD OF LAW AND SOCIAL
DEVELOPMENT, WITH THE OBJECTIVE OF EXCHANGING INFORMATION AND
STRENGTHENING INTER-AMERICAN COOPERATION AND THUS ENHANCING THE
CONTRIBUTION OF LAW TO SOCIAL PROGRESS AND TO EFFECTIVE

HUMAN RIGHTS;

D. TO FORWARD THIS RESOLUTION TO THE SECRETARY GENERAL OF THE OAS WITH THE SUGGESTION THAT IT BE FURTHER CONSIDERED BY APPROPRIATE ORGANS OF THE OAS.

2. IN A PRELIMINARY PARAGRAPH THE RESOLUTION NOTES "WITH SATISFACTION THE PRELIMINARY ESTABLISHMENT OF AN INTER-AMERICAN COORDINATING COMMITTEE CREATED BY A GROUP OF EXPERTS THE PURPOSE OF WHICH, WITHIN THE INTER-AMERICAN SYSTEM, WOULD BE TO FACILITATE COOPERATION AND TO ENHANCE THE CONTRIBUTION OF LAW TO THE EFFECTIVE ENJOYMENT OF FUNDAMENTAL HUMAN RIGHTS AND TO SOCIAL PROGRESS."

3. THE RESOLUTION THUS NOT ONLY ENDORSES A WORKING MECHANISM WHICH CAN BRING TOGETHER INSTITUTIONS IN LATIN AMERICA AND THE CARIBBEAN WITH US INSTITUTIONS FOR PURPOSE OF ASSISTING PROGRESS IN LEGAL AID, PUBLIC INTEREST LAW AND LAW REFORM, BUT ALSO MAKES EXPLICIT MENTION IN THIS REGARD TO HUMAN RIGHTS. THIS PROVIDES SOUND BASIS WITHIN JURIDICAL COMMITTEE, AND BECAUSE OF RESOLUTION REFERENCE TO "APPROPRIATE ORGANS" OF THE OAS, WITHIN OTHER BODIES, ON HUMAN RIGHTS ISSUES, ESPECIALLY AS THEY RELATE TO EFFECTIVE DELIVERY OF LEGAL SERVICES TO DISADVANTAGED PERSONS. SINCE I CONTINUE AS RAPPORTEUR AND HAVE MANDATE TO BRING FURTHER REPORT TO JURIDICAL COMMITTEE NEXT
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YEAR, SOME OF TOPICS SUGGESTED IN REFTTEL MAY POSSIBLY THEN BE INTRODUCED. IN MEANTIME, I PROPOSE TO CONTINUE DISCUSS THESE MATTERS INFORMALLY AND IF POSSIBLE NOTE THEM FOR RECORD. ACTION BY COMMITTEE THIS SESSION UNLIKELY.

4. STATUS REPORT RE JURIDICAL COMMITTEE:

A. COMMITTEE COMPLETED WORK LAST WEEK ON DRAFT CONVENTION ON CONFLICTS OF LAWS RE CHECKS.

B. ELECTED PROVENZALI (VENEZUELA) AS VICE CHAIRMAN.

C. COMPLETED DISCUSSION OF A LENGTHY (144) PAGES) PAPER BY GOMEZ ROBLEDO (MEXICO) ON "SELF-DETERMINATION OF PEOPLES". WHILE IN THE MAIN PART HIS IS A SCHOLARLY PAPER, DEALING WITH THE PRINCIPLE OF SELF-DETERMINATION FROM GROTIUS TO WILSON TO UN RESOLUTION 1514 (XV), IT CONTAINS AT ITS CONCLUSION SEVERAL PAGES RE BELIZE, AND THIS PART WAS EMPHASIZED BY GOMEZ ROBLEDO IN HIS ORAL PRESENTATION. THIS GAVE RISE TO LENGTHY AND STRONGLY WORDED INTERVENTION BY HERRARTE (GUATAMALA) RE NON-EXISTENCE OF MEXICAN RIGHTS AS STATED BY GOMEZ ROBLEDO. AFTER INTERVENTIONS BY MYSELF AND AJA ESPIL,

SUGGESTING THAT COMMITTEE SHOULD CONFINE ITSELF TO MATTERS OF
GENERAL JURIDICAL PRINCIPLE AND NOT INTER-NATION SPECIFIC
DISPUTES, COMMITTEE DECIDED MERELY TO TAKE UP GENERAL
PRINCIPLES AT NEXT SESSION. IN MY INTERVENTION I ALSO
SUGGESTED THAT PRINCIPLE OF SELF-DETERMINATION HAD LIMITS
AND THAT ITS APPLICATION SEEMED TO BE AS MUCH AS MATTER OF
ABILITY TO ENFORCE A DECISION AS OF RECOGNIZED LAW. I ALSO
REFERRED TO SUGGESTION IN DISCUSSION THAT CASE OF PUERTO RICO
SHOULD BE INCLUDED WITHIN THIS TOPIC AND POINTED OUT THAT
PLEBESCITE OF 1960 (THOUGH BOYCOTTED BY INDEPENDISTAS)
SHOWED NO SUPPORT FOR INDEPENDENCE AND THAT MOST RECENT
FREE ELECTIONS IN WHICH INDEPENDENCE PARTY ACTIVELY
KMPACGNEH SHOWED LESS THAN 7 PERCENT IN FAVOR OF
INDEPENDENCE PARTY CANDIDATES. I WAS SUBSEQUENTLY ASSURED
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THAT CRITICISM NOT IMPLIED IN REFERENCE.

5. GOMEZ ROBLEDO HAS DEPARTED, MATERNO VASQUEZ (PANAMA)
HAS NOT ARRIVED FOR THIS SESSION, THREE OTHER MEMBERS
DEPARTING TOWARD END THIS WEEK. I PROPOSE TO RETURN
TO WASHINGTON FRIDAY.
DEXTER

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Disposition Event:
Disposition History: n/a
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